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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,083	08/11/2006	Marc Theisen	10191/3760	1555

26646 7590 01/09/2008
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

PECHE, JORGE O

ART UNIT	PAPER NUMBER
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3664

MAIL DATE	DELIVERY MODE
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01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,083

Applicant(s)

THEISEN ET AL.

Examiner

Jorge O. Peche

Art Unit

3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37.CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

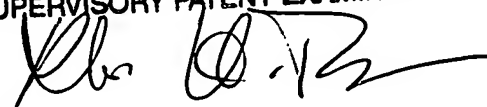
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/19/2005 and 07/02/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER



Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of applicant's argument/remarks filed on October 29, 2007. Claims **5-10** are pending and an action on the merits is as follows.

Applicant's arguments with respect to claims **5-10** have been considered but are moot in view of the same ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **5-10** are rejected under 35 U.S.C. 102(b) as being unpatentable over **Takaya et al. (Patent No.: 5,497,327)**.

Regarding **claim 5**, Takaya discloses a method for protecting the vehicle occupant in a vehicle collision. The method comprises the steps of:

- Activating an occupant restraint system (R) as a function of a deceleration signal (1) (see col. 3. lines 7-41; Figure 1)
- Initiating the activating process when the deceleration signal exceeds a threshold level (noise threshold). A time is timed (time required) until the integrated value exceeds a threshold value in a collision; then an operating

timing (FT) (triggering time) of the occupant restrain system is determined (see abstract; col. 5, lines 4-col.6, line 3; Figures 6-7).

Regarding **claim 6**, Takaya discloses an operation timing (FT) of an occupant restraint system (R) taking into account an offset constant (see col. 5, lines 65- col. 6, line 11).

Regarding **claims 7-8**, Takaya discloses a method for calculating an operating time (triggering time) as a function of a deceleration sensor signal (collision velocity) and crash types. Furthermore, a speed collision (collision velocity) is calculated with the aid of deceleration sensor (see abstract, col.3, line 62 – col. 4, line 45; Figures 3-4).

Regarding **claims 9-10**, Takaya discloses a method for calculating an operating time (FT) (triggering time) as a function of a deceleration sensor signal (collision velocity) and crash type. A speed collision (collision velocity) is calculated with the aid of deceleration sensor (see abstract, col.3, line 62 – col. 4, line 45; Figures 3-4). Furthermore, Takaya discloses an operation timing (FT) (triggering time) of an occupant restraint system (R) taking into account an offset constant (see col. 5, lines 65- col. 6, line 11).

Response to Argument

Applicant's arguments filed on October 29, 2007, with respect to the rejections of **claims 5-10** under 35 U.S.C. 102(b) have been fully considered but are not persuasive.

Regarding Applicant first argument (page 8, par. 4 and page 9, par. 2) "The triggering in the cited reference simply does not take into account the time required for

the collision signal to exceed the noise threshold because the time required for the collision signal to exceed a collision threshold as in claim 5 is not related to the time needed for the integration value of the collision signal to exceed another threshold after the collision has already exceeded a collision threshold in the applied reference.

Accordingly, the cited sections and figures of the Takaya reference do not identically disclose (or even suggest) the above-discussed features of claim 5." The Examiner respectfully disagrees. Takaya clearly discloses a time determination system to calculate the time require for the collision signal to exceed a threshold value (GO). The applicant is kindly invited to carefully view the original and present rejections for the proper disclose of each and every feature of the presently claim invention. Furthermore, Takaya's invention continues calculating the time required for a new integrate value (S +g') to exceed a previously set threshold value (So) which can be the threshold value (Go). Furthermore, Applicant is kindly invited to consider the reference as a whole and for this argument, concentrate on Takaya's abstract; col. 5, lines 4-col.6, line 3; Figures 6-7.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge O. Peche whose telephone number is 571-270-1339. The examiner can normally be reached on 8:30 am - 5:30 pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:
10/550,083
Art Unit: 3664

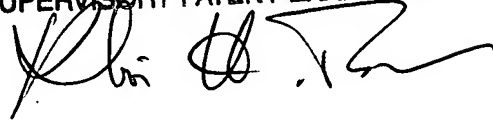
Page 6

A handwritten signature in black ink, appearing to read "Jorge Peche". The signature is fluid and cursive, with a large initial "J" and a stylized "P".

Jorge O. Peche

Patent Examiner
Art Unit 3664
January 5, 2008

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Khoi H. Tran". The signature is cursive and somewhat stylized, with a large initial "K" and a long, sweeping tail.